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GENERAL PROVISIONS

NRS 432A.010 Legislative findings and declaration. The Legislature finds and declares that it is desirable that children of our state in need of day care services receive adequate and safe care outside their own homes, and it is the intent of state and local governments to assist in meeting such needs through an administrative procedure which will further the following objectives:

1. Safe and responsive child care facilities and services.
2. Adequate methods to pay the costs of child care on an individual basis in already existing child care programs.
3. Proper operation of child care programs.
4. Provision of services by other public agencies on a subcontracted or purchased basis.
5. Full cooperation with the Federal Government in adopting a State Plan for Child Care that is in accordance with the guidelines of the Federal Panel on Early Childhood.

(Added to NRS by [1973, 1687](#))

NRS 432A.020 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 432A.0205](#) to [432A.0295](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1973, 1687](#); A [1973, 1406](#); [1979, 882](#); [1985, 1471](#); [1991, 2131](#), [2308](#); [1993, 615](#); [1997, 3322](#); [2005, 2092](#); [2007, 1191](#); [2011, 1365](#), [1996](#); [2017, 1702](#))

NRS 432A.0205 "Accommodation facility" defined. "Accommodation facility" means a child care facility which is operated:

1. By a business that is licensed to conduct a business other than the provision of care to children; and
2. As an auxiliary service provided for the customers of the primary business.

(Added to NRS by [2005, 2090](#))

NRS 432A.021 "Board" defined. "Board" means the State Board of Health.

(Added to NRS by [1991, 2300](#); A [2011, 1365](#))

NRS 432A.024 "Child care facility" defined.

1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

- (b) An on-site child care facility;
- (c) A child care institution; or
- (d) An outdoor youth program.

2. "Child care facility" does not include:

- (a) The home of a natural parent or guardian, foster home as defined in [NRS 424.014](#) or maternity home;
- (b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;
- (c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity;
- (d) A location at which an out-of-school-time program is operated;
- (e) A seasonal or temporary recreation program; or
- (f) An out-of-school recreation program.

(Added to NRS by [1991, 2300](#); A [1993, 870](#); [1997, 3322](#); [2007, 1191](#); [2011, 1996](#))

NRS 432A.0245 "Child care institution" defined.

1. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

- (a) Education to the children according to a curriculum approved by the Department of Education;
- (b) Services to children who have been diagnosed as severely emotionally disturbed as defined in [NRS 433B.045](#), including, without limitation, services relating to mental health and education; or
- (c) Emergency shelter to children who have been placed in protective custody pursuant to [chapter 432B](#) of NRS.

2. As used in this section, "child" includes a person who is less than 18 years of age or who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#).

(Added to NRS by [2007, 1190](#); A [2011, 244](#))

NRS 432A.025 "Client" defined. "Client" means a person enrolled in an outdoor youth program.

(Added to NRS by [1991, 2300](#))

NRS 432A.026 "Department" defined. "Department" means the Department of Health and Human Services.

(Added to NRS by [1991, 2300](#); A [2005, 22nd Special Session, 46](#))

NRS 432A.027 "Director" defined. "Director" means the Director of the Department.

(Added to NRS by [1991, 2300](#))

NRS 432A.0273 "Division" defined. "Division" means the Division of Public and Behavioral Health of the Department.

(Added to NRS by [2011, 1365](#); A [2013, 3002](#))

NRS 432A.0274 "Local government" defined. "Local government" means any political subdivision of this State, including, without limitation, a city, county, town, school district or other district.

(Added to NRS by [2011, 1993](#))

NRS 432A.0275 "On-site child care facility" defined. "On-site child care facility" means an establishment that:

- 1. Is licensed pursuant to this chapter;
- 2. Provides care to the children of employees of a business at the place of employment;
- 3. Provides care on a temporary or permanent basis, during the day or overnight, to five or more children who are under the age of 18 years and who are not related within the third degree of consanguinity or affinity to an owner or manager of the business; and
- 4. Is owned, operated, subsidized, managed, contracted for or staffed by the business.

(Added to NRS by [1997, 3322](#))

NRS 432A.0277 "Out-of-school recreation program" defined.

1. "Out-of-school recreation program" means a recreation program operated or sponsored by a local government in a facility which is owned, operated or leased by the local government and which provides enrichment activities to children of school age:

- (a) Before or after school;
- (b) During the summer or other seasonal breaks in the school calendar; or
- (c) Between sessions for children who attend a school which operates on a year-round calendar.

2. The term does not include a seasonal or temporary recreation program.

(Added to NRS by [2011, 1993](#))

NRS 432A.0278 "Out-of-school-time program" defined. "Out-of-school-time program" means a program, other than an out-of-school recreation program, that operates for 10 or more hours per week, is offered on a continuing basis,

provides supervision of children who are of the age to attend school from kindergarten through 12th grade and provides regularly scheduled, structured and supervised activities where learning opportunities take place:

1. Before or after school;
2. On the weekend;
3. During the summer or other seasonal breaks in the school calendar; or
4. Between sessions for children who attend a school which operates on a year-round calendar.

(Added to NRS by [2011, 1993](#))

NRS 432A.028 “Outdoor youth program” defined. “Outdoor youth program” means a program for the provision of services, while living outdoors, to persons under 18 years of age who have behavioral problems, problems with mental health or problems with substance use disorders. The term does not include any facility, activity or program:

1. Operated by or on behalf of a governmental entity; or
2. Licensed by the Division of the Department.

(Added to NRS by [1991, 2300](#))

NRS 432A.029 “Seasonal or temporary recreation program” defined. “Seasonal or temporary recreation program” means a recreation program that is offered to children for a limited time or duration and may include, without limitation:

1. A special sports event, which may include, without limitation, a camp, clinic, demonstration or workshop which focuses on a particular sport;
2. A therapeutic program for children with disabilities, which may include, without limitation, social activities, outings and other inclusion activities;
3. An athletic training program, which may include, without limitation, a baseball or other sports league and exercise instruction; and
4. Other special interest programs, which may include, without limitation, an arts and crafts workshop, a theater camp and dance competition.

(Added to NRS by [2011, 1993](#))

NRS 432A.0295 “Small child care establishment” defined. “Small child care establishment” means an establishment that furnishes care to not more than four children under 18 years of age who are not related to the operator of the establishment within the fourth degree of consanguinity or affinity:

1. For monetary compensation;
2. Outside the home and the presence of the parents or guardians of any of the children; and
3. For at least 6 hours each day, at least 4 days each week and more than 3 consecutive weeks.

(Added to NRS by [2017, 1701](#))

NRS 432A.030 Liberal construction. The provisions of this chapter must be liberally construed to effect its purposes.

(Added to NRS by [1973, 1687](#); A [1991, 2308](#))

NRS 432A.035 Provisions of chapter inapplicable to Program for Child Care and Development. The provisions of this chapter do not apply to the Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to [chapter 422A](#) of NRS.

(Added to NRS by [1997, 2266](#); A [2005, 22nd Special Session, 47](#))

NRS 432A.040 Duties of Division. The Division shall:

1. Serve as a clearinghouse for information relating to child care.
2. Assist the Director in all matters pertaining to child care services and programs.
3. Develop plans and conduct and arrange for research and demonstration programs in the field of child care.
4. Provide technical assistance and consultation to political subdivisions with respect to programs for child care.
5. Prepare, publish and disseminate educational materials dealing with child care.
6. Gather statistics in the field of child care which other federal and state agencies are not collecting.
7. Stimulate more effective use of existing resources and available services for child care.

(Added to NRS by [1973, 1687](#); A [1979, 883](#); [2011, 1365](#))

NRS 432A.050 Department designated as state agency for administration of federal money. The Department shall act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal funds granted to the State pursuant to any federal law for the purposes of child care services and programs.

(Added to NRS by [1973, 1688](#); A [1979, 883](#))

NRS 432A.055 Department may accept gifts and grants for establishment of program for child care.

1. Subject to the provisions of [chapter 353](#) of NRS, the Department may accept gifts and grants of money, property and services for the establishment of a program for child care.

2. The Department shall report to the Interim Finance Committee any applications for, and the receipt of, any gifts or grants pursuant to subsection 1.

(Added to NRS by [1989, 2071](#))

NRS 432A.076 Nevada Early Childhood Advisory Council: Creation; membership; duties; acceptance of gifts, grants and donations; report to Legislature and Governor.

1. The Nevada Early Childhood Advisory Council is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the Governor and include, without limitation:

- (a) One member who is a representative of the Division of Public and Behavioral Health of the Department whose duties include responsibility for child care;
- (b) One member who is a representative of the Department of Education;
- (c) One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;
- (d) One member who is a representative of the boards of trustees of the school districts in this State;
- (e) One member who is a representative of the Nevada System of Higher Education;
- (f) One member who is a representative of local providers of early childhood education and developmental services;
- (g) One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;
- (h) One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);
- (i) One member who is a representative of the Aging and Disability Services Division of the Department;
- (j) One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs;
- (k) One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood education programs;
- (l) One member who is a representative of the pediatric mental, physical or behavioral health care industry; and
- (m) Such other members as the Governor determines are appropriate.

2. The Council shall:

- (a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood education programs.
- (b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood education programs.
- (c) Identify opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the Federal Government, the State or a local government.
- (d) Develop recommendations for:
 - (1) Increasing the participation of children in early childhood education programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;
 - (2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood education programs;
 - (3) A statewide professional development system for teachers engaged in early childhood education; and
 - (4) The establishment of statewide standards for early childhood education programs in this State.
- (e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.
- (f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:
 - (1) Be based on national school readiness indicators;
 - (2) Address the following components of school readiness:
 - (I) Physical and developmental health;
 - (II) Social and emotional development;
 - (III) Approaches to learning;
 - (IV) Language and early literacy development; and
 - (V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood education programs.

(h) Perform such other duties relating to early childhood education programs as designated by the Governor.

3. On or before December 1 of each year, the Council shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Legislative Committee on Education, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, a summary of the activities of the Council and any recommendations for improvements to the early childhood system in this State.

4. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

(Added to NRS by [2013, 406](#); A [2019, 47](#))

NRS 432A.077 State Board of Health: General powers and duties.

1. The Board shall adopt:

- (a) Licensing standards for child care facilities.
- (b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:
 - (1) The conducting of fire drills on a monthly basis;
 - (2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) Any regulations necessary to carry out the provisions of [NRS 432A.1756](#) or to ensure the safe operation of small child care establishments.

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

(Added to NRS by [1979, 884](#); A [1985, 1472](#); [1997, 1267](#); [2017, 1702](#))

NRS 432A.078 State Board of Health: Requirements for play space at on-site child care facilities. If an on-site child care facility does not have sufficient outdoor play space to comply with the requirements established by the Board for licensure, the Board shall allow the facility to substitute an equal amount of indoor play space for the otherwise required amount of outdoor play space.

(Added to NRS by [1997, 3322](#))

NRS 432A.079 State Board of Health: Policy providing for coordination among agencies.

1. The Board shall establish a policy providing for coordination among all interested public, private and commercial agencies or entities to foster their cooperation in the interests of:

(a) Improving the quality of child care services offered by each participating agency and entity.

(b) Ensuring continuity in the program of community child care for each family.

(c) Reaching the maximum number of families possible within available resources, with top priority given to low-income families.

(d) Increasing opportunities for developing staff competence and career development within and between cooperating agencies and entities.

(e) Developing the most efficient, effective and economical methods for providing services to children and families.

(f) Ensuring an effective voice by parents of children receiving child care in the policy for and direction of programs.

(g) Mobilizing the resources of the community in such a manner as to ensure maximum public, private and individual commitment to provide expanded child care.

2. Such a policy must be primarily concerned with the coordination of day care and preschool programs, and also be concerned with:

(a) Availability of other needed services for children in preschool or day care programs;

(b) Availability of needed services for children of school age; and

(c) Coordination of community services with preschool or day care programs.

(Added to NRS by [1979, 885](#))

NRS 432A.080 Cooperation with Federal Government. The Department through the Division may make agreements, arrangements or plans to:

1. Cooperate with the Federal Government in carrying out the purposes of this chapter or of any federal statutes pertaining to child care services and programs and to this end may adopt such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of such agreements, arrangements or plans; and

2. Comply with such conditions as may be necessary to secure benefits under those federal statutes.

(Added to NRS by [1973, 1688](#); A [1981, 1905](#); [2011, 1366](#))

NRS 432A.090 State plan for services and programs relating to child care; compliance with other requirements to obtain federal money. The Division may develop a state plan for services and programs relating to child care and may comply with such other requirements as may be necessary to obtain federal money. In developing and revising the state plan, the Division shall consider, among other things, the amount of money available from the Federal Government and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services and programs relating to child care.

(Added to NRS by [1973, 1688](#); A [1979, 884](#); [1981, 1906](#); [2011, 1366](#))

NRS 432A.100 Custody and disbursement of money received from Federal Government.

1. The State Treasurer is designated as custodian of all money received from the Federal Government for carrying out the purposes of this chapter or any agreements, arrangements or plans authorized thereby.

2. The State Treasurer shall make disbursements of such money and from all state funds available for the purposes of this chapter upon certification by the designated official of the Division.

(Added to NRS by [1973, 1688](#); A [1979, 884](#); [2011, 1366](#))

NRS 432A.110 Gift Account for Child Care Services.

1. All gifts of money which the Division is authorized to accept must be deposited in the State Treasury for credit to the Gift Account for Child Care Services in the Department of Health and Human Services' Gift Fund. The money may be invested and reinvested and must be used in accordance with the conditions of the gift.

2. All claims must be approved by the Administrator of the Division before they are paid.

(Added to NRS by [1973, 1689](#); A [1979, 622](#); [1981, 78](#); [1993, 2705](#); [2005, 22nd Special Session, 47](#); [2011, 1366](#))

NRS 432A.120 Officer and employee prohibited from partisan political activities; penalty.

1. An officer or employee engaged in the administration of this chapter shall not use his or her official authority to influence or interfere with an election or affect the results thereof or for any partisan political purpose. Such an officer or employee shall not solicit or receive, or be obliged to contribute or render, any service, assistance, subscription, assessment or contribution for any political purpose.

2. Any officer or employee violating the provisions of this section shall be discharged.

(Added to NRS by [1973, 1689](#))

LICENSING AND OPERATION OF CHILD CARE FACILITIES**NRS 432A.131 Licensing and registration by counties, cities and Division; standards and regulations; waiver of compliance; notification of intent to amend or repeal ordinance.**

1. Child care facilities, other than child care institutions, in any county or incorporated city where the governing body has established an agency for the licensing of child care facilities and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the Division. The licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

(a) Must be not less restrictive than those adopted by the Board; and

(b) Take effect only upon their approval by the Division.

2. An agency for the licensing of child care facilities established by a city or county may waive compliance with a particular standard or other regulation by a child care facility if:

(a) The agency finds that the practices and policies of that facility are substantially equivalent to those required by the agency in its standards and other regulations; and

(b) The waiver does not allow a practice which violates a regulation adopted by the Board.

3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than five children. If the standards so adopted are less restrictive than the standards for the licensure of child care facilities which have been adopted by the Board, the governing body shall not issue a license to the smaller facilities, but may register them in accordance with the standards which are less restrictive.

4. If a governing body intends to amend or repeal an ordinance providing for the licensing of child care facilities and the effect of that action will be the discontinuance of the governing body's licensure of child care facilities, the governing body shall notify the Division of its intention to do so at least 12 months before the amendment or repeal becomes effective.

5. A child care institution must be licensed by the Division.

(Added to NRS by [1979, 885](#); A [1985, 1472](#); [1989, 280](#), [1481](#); [2007, 1192](#); [2011, 1366](#))

NRS 432A.136 Accommodation facilities: Adjustments allowed for minimum amount of space and minimum number of toilets required per child; required to permit parent or guardian to attend to needs of child under certain circumstances.

1. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to make available a minimum amount of space per child in the facility, an accommodation facility may include the space occupied by any recreational toys that are used in the accommodation facility in satisfying the requirement for the minimum amount of space per child in the facility.

2. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to make available a minimum number of toilets per child in the facility, the Board or agency shall adjust the number of toilets per child required in an accommodation facility to a number that is appropriate for accommodation facilities, taking into account the unique nature of such facilities.

3. An accommodation facility shall permit each parent or guardian of a child who is receiving care in the accommodation facility to attend to the needs of the child if the parent or guardian does so in an area of a bathroom facility that is designated for use by one person.

(Added to NRS by [2005, 2091](#))

NRS 432A.141 License: Issuance by Division; fee; duration; nontransferable.

1. If, after investigation, the Division finds that an applicant is in full compliance with the provisions of this chapter and the standards and regulations adopted pursuant to this chapter, the Division shall issue to the applicant the license applied for.

2. The Division shall charge and collect a fee for each license issued for a child care facility in an amount prescribed by regulation of the Board.

3. The initial license issued by the Division may be effective for a period not exceeding 1 year from the date of issuance.

4. A license that is renewed by the Division is effective for 1 year from the date of renewal.

5. A license applies only to the person named therein and is not transferable.

6. A license issued for:

(a) An outdoor youth program is valid only for the area of operation described in the license.

(b) Any other child care facility is valid only for the premises described in the license.

(Added to NRS by [1979, 885](#); A [1989, 1050](#); [1991, 2308](#); [2011, 1367](#))

NRS 432A.150 License: Contents. Each license issued by the Division must contain:

1. The name of the person or persons authorized to operate the licensed facility;

2. The location of the licensed facility or, if the license is for an outdoor youth program, the area of operation of the program; and
 3. The number of beds authorized in the licensed facility, the nature of services offered and the service delivery capacity.
- (Added to NRS by [1979, 885](#); A [1991, 2308](#); [2011, 1367](#))

NRS 432A.160 Provisional license.

1. Except as otherwise provided in this section, the Division may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility which:
 - (a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Division determines that the facility requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;
 - (b) Has failed to comply with the standards and other regulations, if the Division determines that the facility is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or
 - (c) Is in the process of applying for a license, if the Division determines that the facility requires a reasonable time within which to comply with the standards and other regulations.
 2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license in any instance where the Division considers that action necessary for the health and safety of the occupants of any facility or the clients of any outdoor youth program.
 3. A provisional license must not be issued pursuant to this section unless the Division has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to [NRS 432A.170](#) to ensure that the applicant and each employee of the applicant, or every resident of the child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of [NRS 432A.170](#) and has not had a substantiated report of child abuse or neglect made against him or her.
- (Added to NRS by [1979, 886](#); A [1985, 1473](#); [1991, 2309](#); [2009, 926](#); [2011, 245](#), [1368](#))

NRS 432A.170 Investigation by Division; information concerning criminal convictions of applicant, licensee, operator, employee and certain residents or participants; cost of investigation; applicability to small child care establishment.

1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:
 - (a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;
 - (b) Qualifications and background of the applicant or the employees of the applicant;
 - (c) Method of operation for the facility; and
 - (d) Policies and purposes of the applicant.
2. Subject to the provisions of subsection 7, the Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:
 - (a) Murder, voluntary manslaughter or mayhem;
 - (b) Any other felony involving the use of a firearm or other deadly weapon;
 - (c) Assault with intent to kill or to commit sexual assault or mayhem;
 - (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
 - (e) Any crime against a child, including, without limitation, abuse, neglect or endangerment of a child, contributory delinquency or pornography involving a minor;
 - (f) Arson;
 - (g) Assault;
 - (h) Battery, including, without limitation, battery which constitutes domestic violence;
 - (i) Kidnapping;
 - (j) Any offense relating to the possession or use of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS within the immediately preceding 5 years;
 - (k) Any offense relating to the distribution or manufacture of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS, including, without limitation, possession of a controlled substance for the purpose of sale;
 - (l) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
 - (m) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;
 - (n) A crime that constitutes domestic violence pursuant to [NRS 33.018](#);
 - (o) A violation of [NRS 484C.430](#); or
 - (p) A violation of [NRS 484C.110](#) or [484C.120](#) within the immediately preceding 5 years.
3. Subject to the provisions of subsection 7, the Division shall request information concerning every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who

remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in subsection 2 and for submission to the Federal Bureau of Investigation for its report pursuant to [NRS 432A.175](#); and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to [NRS 432.100](#) to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older for an initial background check not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program and before the employee, resident or participant has direct contact with any child at the child care facility, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

7. The provisions of subsections 2, 3 and 5 apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to [NRS 432A.1756](#).

(Added to NRS by [1979, 886](#); A [1985, 1473](#); [1987, 1551](#); [1991, 2309](#); [2009, 927](#); [2011, 245](#), [1368](#), [3547](#); [2015, 835](#); [2017, 1171](#), [1702](#), [4211](#))

NRS 432A.175 Investigation by Division; information concerning criminal convictions of applicant, licensee, operator, employee and certain residents or participants; applicability to small child care establishment; regulations.

1. Subject to the provisions of subsection 2:

(a) Every applicant for a license to operate a child care facility, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to [NRS 432A.170](#), a:

(1) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report;

(2) Written statement detailing any prior criminal convictions; and

(3) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to [NRS 432.100](#).

(b) If an employee of an applicant for a license to operate a child care facility, licensee or small child care establishment, a resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of [NRS 432A.170](#) or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant, licensee or small child care establishment who shall then comply with the provisions of [NRS 432A.1755](#).

(c) An applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

(d) An employee of an applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the applicant, licensee or operator not later than 24 hours after:

(1) Being charged with or convicted of a crime listed in subsection 2 of [NRS 432A.170](#);

(2) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(3) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

(e) A resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older shall notify the licensee of the child care facility, operator of the small child care establishment or outdoor youth program, as applicable, not later than 24 hours after:

(1) Being charged with or convicted of a crime listed in paragraph (b);

(2) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(3) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

(f) An applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the Division within 2 days after receiving notice that:

(1) The applicant, licensee or operator, an employee of the applicant, licensee or small child care establishment, a resident of the child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older, or a facility, establishment or program operated by the applicant, licensee or operator is the subject of a lawsuit or any disciplinary proceeding; or

(2) The applicant, licensee or operator or an employee, a resident or a participant has been charged with a crime listed in subsection 2 of [NRS 432A.170](#) or is being investigated for child abuse or neglect.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to [NRS 432A.1756](#).

3. The Division shall adopt regulations to establish civil penalties to be imposed against any person, state or local government unit or agency thereof that fails to comply with the requirements of this section.

(Added to NRS by [1985, 1471](#); A [1991, 2309](#); [1995, 753](#); [2009, 928](#); [2011, 246](#), [1369](#); [2013, 421](#); [2017, 1704](#), [4212](#))

NRS 432A.1755 Termination of employee or removal of resident of facility or establishment or participant in program upon receipt of certain information; opportunity for employee, resident or participant to correct information; applicability to small child care establishment; civil penalties.

1. Subject to the provisions of subsection 2:

(a) Except as otherwise provided in paragraph (c), upon receiving information pursuant to [NRS 432A.175](#) from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to [NRS 432.100](#) or from an employee of an applicant for a license to operate a child care facility, a licensee or a small child care establishment, a resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participant in an outdoor youth program who is 18 years of age or older or from any other source that such an employee, resident or participant has been convicted of a crime listed in subsection 2 of [NRS 432A.170](#) or has had a substantiated report of child abuse or neglect made against him or her, the applicant, licensee or operator of the small child care establishment shall terminate the employment of the employee or remove the resident from the facility or establishment or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to paragraph (b).

(b) If an employee, resident or participant believes that the information provided to the applicant, licensee or operator pursuant to paragraph (a) is incorrect, the employee, resident or participant must inform the applicant, licensee or operator immediately. The applicant, licensee or operator shall give any such employee, resident or participant 30 days to correct the information.

(c) The Division may establish by regulation a process by which it may review evidence upon request to determine whether an employee of an applicant for a license to operate a child care facility, a licensee or operator of a small child care establishment, a resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), or a participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of [NRS 432A.170](#) or has had a substantiated report of child abuse or neglect made against him or her may remain employed or continue to reside in the facility or establishment, as applicable, despite the conviction. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. § 2000e et seq.

(d) If a process for review is established pursuant to paragraph (c), an employee, resident or participant, as applicable, may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

(e) During any period in which an employee, resident or participant seeks to correct information pursuant to paragraph (b) or requests a review of information pursuant to paragraph (d), it is within the discretion of the applicant, licensee or operator whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or small child care establishment or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to [NRS 432A.1756](#).

3. The Division shall adopt regulations to establish civil penalties to be imposed against any person, state or local government unit or agency thereof that fails to comply with the requirements of this section.

(Added to NRS by [2009, 926](#); A [2011, 247](#), [3548](#); [2017, 1173](#), [1705](#), [4213](#))

NRS 432A.1756 Registration of small child care establishment; certain persons prohibited from operating establishment.

1. A person, state or local government unit or agency thereof that wishes to operate or operates a small child care establishment may register the small child care establishment with the Division of Welfare and Supportive Services of the Department by submitting to the Division of Welfare and Supportive Services on the Internet website of the Division of Welfare and Supportive Services the following information:

(a) The name, address and contact information of the operator of the small child care establishment;

(b) The name and address of the small child care establishment;

(c) An affirmation that the operator of the small child care establishment is in compliance with subsection 2; and

(d) Such additional information as the Division of Welfare and Supportive Services deems necessary.

2. A person shall not serve as the operator of a registered small child care establishment if the person has been convicted of a crime listed in subsection 2 of [NRS 432A.170](#) or has had a substantiated report of child abuse or neglect made against him or her.

(Added to NRS by [2017, 1701](#))

NRS 432A.1757 Licensees of certain child care facilities to adopt certain policies relating to medical care and medications for children; employees to receive copy of policy.

1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall adopt a policy concerning the manner in which to:

- (a) Document the orders of the treating physician of a child;
- (b) Administer medication to a child;
- (c) Store, handle and dispose of medication;
- (d) Document the administration of medication and any errors in the administration of medication;
- (e) Minimize errors in the administration of medication; and
- (f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the child care facility who will administer medication to a child at the child care facility receives a copy of and understands the policy adopted pursuant to subsection 1.

(Added to NRS by [2011, 1361](#))

NRS 432A.1759 Certain child care facilities required to treat child in accordance with gender identity or expression; regulations concerning placement in facility.

1. A child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall treat each child who is placed in the facility in all respects in accordance with the child's gender identity or expression.

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a child care facility and protocols for a child care facility to follow when placing a child within the facility that ensure that each child who is so placed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

- (a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;
- (b) Representatives of each agency which provides child welfare services in this State;
- (c) Representatives of state and local facilities for the detention of children;
- (d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;
- (e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services of the Department.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before placing a child in a child care facility.

4. A child care facility, including, without limitation, an emergency shelter, which has physical custody of a child pursuant to the order of a court shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

5. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in [NRS 432B.030](#).

(b) "Foster home" has the meaning ascribed to it in [NRS 424.014](#).

(c) "Gender identity or expression" has the meaning ascribed to it in [NRS 424.0145](#).

(Added to NRS by [2017, 24](#))

NRS 432A.176 Licensee of child care facility required to ensure employee is in presence of independent contractor when child present.

1. A licensee of a child care facility shall ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present.

2. The employee of the child care facility who is required to be in the presence of the independent contractor pursuant to subsection 1:

(a) Must be qualified to supervise the children at the child care facility; and

(b) Shall, during the period for which the independent contractor is performing the services at the child care facility, supervise and ensure the safety of each child at the child care facility.

(Added to NRS by [2017, 4209](#))

NRS 432A.177 Licensee of child care facility required to ensure training of employees who have direct contact with children; regulations.

1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall ensure that each employee who

comes into direct contact with children in the facility receives training within 90 days after employment and annually thereafter. Such training must be approved by the licensing authority and include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
 - (b) Policies and procedures concerning the use of force and restraint on children;
 - (c) The rights of children in the facility;
 - (d) Suicide awareness and prevention;
 - (e) The administration of medication to children;
 - (f) Applicable state and federal constitutional and statutory rights of children in the facility;
 - (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility;
 - (h) Working with lesbian, gay, bisexual, transgender and questioning children; and
 - (i) Such other matters as required by the Board.
2. The Board shall adopt regulations necessary to carry out the provisions of this section.
(Added to NRS by [2007, 1191](#); A [2017, 25](#))

NRS 432A.1771 Adoption of regulations concerning providing space for breastfeeding and program of physical activity.

- 1. The Board shall adopt regulations that:
 - (a) Require each licensee that operates a child care facility to provide an appropriate, private space on the premises of the child care facility where a mother may breastfeed.
 - (b) Require each licensee that operates a child care facility, other than an accommodation facility or a child care institution, to provide a program of physical activity that:
 - (1) Ensures that all children receive daily periods of moderate or vigorous physical activity that are appropriate for the age of the child;
 - (2) Limits the amount of sedentary activity, other than meals, snacks and naps, that children engage in each day; and
 - (3) Allows for specialized plans for children with special needs or who have disabilities.
 - (c) Prohibit an employee of or a licensee who operates a child care facility from withholding or requiring a child to participate in physical activity as a form of discipline.
 - 2. As used in this section:
 - (a) "Moderate or vigorous physical activity" means activity that significantly uses arms or legs, including, without limitation, brisk walking, skipping, bicycling, hiking, dancing, kicking a ball, gardening, running, jumping, playing tag, chasing games, soccer, basketball and swimming.
 - (b) "Sedentary activity" means activity that does not significantly use arms or legs or provide significant exercise, including, without limitation, sitting, standing, reading, playing a board game, riding in a wagon or drawing.
- (Added to NRS by [2015, 1542](#))

NRS 432A.1773 Licensee or person responsible for daily operation, administration or management of child care facility: Registration required; qualifications.

- 1. A licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of a child care facility must:
 - (a) Be at least 21 years of age and:
 - (1) Hold an associate's degree or a higher degree in early childhood education and have at least 1,000 hours of verifiable experience in a child care facility;
 - (2) Hold an associate's degree or a higher degree in any field other than early childhood education, have completed at least 15 semester hours in early childhood education or related courses and have at least 2,000 hours of verifiable experience in a child care facility;
 - (3) Hold a high school diploma or, if approved by the Administrator of the Division of Public and Behavioral Health, a general educational development certificate, have completed at least 15 semester hours in early childhood education or related courses and have at least 3,000 hours of experience in a child care facility;
 - (4) Hold a current credential as a "Child Development Associate" with an endorsement for preschool age children or infants or toddlers, as appropriate, which has been issued by the Council for Professional Recognition, or its successor organization, and have at least 2,000 hours of verifiable experience in a child care facility; or
 - (5) Have a combination of education and experience which, in the judgment of the Administrator of the Division of Public and Behavioral Health, is equivalent to that required by subparagraph (1), (2), (3) or (4);
 - (b) Have at least 1,000 verifiable hours in an administrative position or have completed a course or other training in business administration; and
 - (c) Within 90 days after the licensee or person appointed by the licensee commences service as the director of a child care facility, apply to the Nevada Registry or its successor organization, and annually renew his or her registration before the date on which it expires.
- 2. As used in this section, "Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:
 - (a) Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;
 - (b) Establish a professional development system in this State for the field of early childhood care and education;
 - (c) Approve and track all informal training in the field of early childhood care and education in this State; and
 - (d) Act as a statewide clearinghouse of information concerning the field of early childhood care and education.

(Added to NRS by [2013, 736](#))

NRS 432A.1774 “Child care facility” further defined for purposes of [NRS 432A.1775](#) and [432A.1776](#). As used in [NRS 432A.1775](#) and [432A.1776](#), unless the context otherwise requires, “child care facility”:

1. Has the meaning ascribed to it in [NRS 432A.024](#); and
2. Includes an establishment described in paragraph (a) of subsection 1 of [NRS 432A.024](#) that is operated and maintained for the purpose of furnishing care to fewer than five children under 18 years of age, if compensation is received for the care of any of those children.

(Added to NRS by [2017, 4209](#))

NRS 432A.1775 Employees of certain facilities to complete training.

1. Each person who is employed in a child care facility, other than in a facility that provides care for ill children, shall, in addition to completing the training required by [NRS 432A.1776](#), complete 24 hours of training each year.

2. At least:

(a) Twelve hours of the training required by subsection 1 each year must be devoted to the care, education and safety of children specific to the age group served by the child care facility in which the person is employed and must be approved in accordance with regulations adopted by the Board; and

(b) Two hours of the training required by subsection 1 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

3. As used in this section:

(a) “Chronic disease” means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

(b) “Obesity” means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization’s growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

(Added to NRS by [2011, 408](#); A [2013, 736](#); [2017, 1335, 4214](#))

NRS 432A.1776 Employee of child care facility required to complete training concerning child abuse and neglect. Each person who is employed in a child care facility shall complete at least 2 hours of training in the recognition and reporting of the abuse or neglect of a child, as defined in [NRS 432B.020](#):

1. Within 90 days after commencing his or her employment in a child care facility; and

2. At least once every 5 years thereafter.

(Added to NRS by [2017, 4209](#))

NRS 432A.1777 Child care facility required to give priority in admission to children of certain members of Armed Forces. A child care facility shall, to the extent authorized by federal law, give priority in admission to a child whose application for admission includes official documentation from the Federal Government that his or her:

1. Parent or guardian is currently serving on active duty in the Armed Forces of the United States;

2. Parent was killed or died as a direct result of injuries received while serving honorably on active duty in the Armed Forces of the United States; or

3. Parent was reported as a prisoner of war or missing in action while serving honorably on active duty in the Armed Forces of the United States and is currently or has, within 180 days before the date on which the application for admission of the child is submitted, been a prisoner of war or missing in action under such circumstances.

(Added to NRS by [2017, 215](#))

NRS 432A.178 Child care facility required to maintain certain information; reporting of information to parents and guardians; notice of right to information.

1. A child care facility shall maintain a copy of:

(a) The license issued to the facility by the Division or an agency for the licensing of child care facilities established by a county or incorporated city;

(b) Any summaries of complaints provided to the facility pursuant to subsection 3 of [NRS 432A.190](#);

(c) The report of any investigation conducted with respect to the complaints; and

(d) The report of any disciplinary action taken against the facility pursuant to [NRS 432A.190](#).

2. The information maintained pursuant to subsection 1 must be provided in the form prescribed pursuant to subsection 3:

(a) To the parent or guardian of a child who enrolls the child in the facility, at or before the time of enrollment.

(b) To the parent or guardian of a child, upon request, who is considering enrolling the child in the facility.

(c) In the case of disciplinary action taken pursuant to [NRS 432A.190](#), to the parents or guardians of all children admitted to the facility. Notice of disciplinary action must be provided to the parents or guardians of the children admitted to the facility within 3 working days after receipt by the licensed child care facility.

3. The Division shall develop a standard form for reporting the information required to be provided pursuant to subsection 2. The information reported on the form must include all required information for the 12-month period ending on the last day of the month immediately preceding the month in which the information is provided.

4. The Division and every agency for the licensing of child care facilities established by a county or incorporated city shall inform persons seeking information concerning child care facilities of their right to information pursuant to this section.

(Added to NRS by [2007, 269](#); A [2011, 1370](#))

NRS 432A.1785 Applicants, licensees and operators required to maintain records of certain information; inspection of records by Division; applicability to small child care establishment.

1. Subject to the provisions of subsection 3, each applicant for a license to operate a child care facility, licensee and operator of a small child care establishment shall maintain records of the information concerning employees of the child care facility or small child care establishment and any residents of the child care facility or small child care establishment who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to [NRS 432B.594](#), or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to [NRS 432A.170](#) and [432A.175](#), including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant, licensee or operator submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to [NRS 432.100](#).

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility or small child care establishment or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

3. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has registered with the Division of Welfare and Supportive Services of the Department pursuant to [NRS 432A.1756](#).

(Added to NRS by [2009, 926](#); A [2011, 248](#), [1370](#), [3549](#); [2017, 1706](#))

NRS 432A.180 Inspection by Division, State Fire Marshal and Chief Medical Officer; publication and availability of reports of certain inspections.

1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility or small child care establishment, whether registered or not, or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to [NRS 432A.077](#),
 ➔ to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with laws and regulations concerning the health, safety and welfare of children in the care of the facility or program.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

(Added to NRS by [1979, 886](#); A [1985, 1474](#); [1991, 2310](#); [1997, 1268](#); [2007, 1192](#); [2011, 1371](#); [2017, 1706](#), [4215](#))

NRS 432A.182 Authority of Division to collect cost of investigating substantiated complaint; use of money collected.

1. If a complaint against a child care facility, a small child care establishment or a person who operates a child care facility without a license, or a person who operates a small child care establishment, whether registered or not, is substantiated, the Division may charge and collect from the facility, establishment or person the actual cost incurred by the Division relating to the violation, including the actual cost of conducting an inspection or investigation of the facility, establishment or person.

2. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

(Added to NRS by [2017, 1701](#))

NRS 432A.184 Regulations concerning system for rating child care facilities based on inspections; posting of rating and report after inspection.

1. The Division shall adopt regulations establishing:

(a) A system for rating child care facilities based on inspections conducted pursuant to subsection 3 of [NRS 432A.180](#). The rating system must provide for the assignment of a letter grade of A, B, C, D or F to each child care facility based on the facility's compliance with applicable laws and regulations and the severity of any violations.

(b) Procedures by which a child care facility that is assigned a grade of C, D or F may request a follow-up inspection.

2. Not later than 60 days after an inspection of a child care facility pursuant to subsection 3 of [NRS 432A.180](#), the Division shall post on an Internet website maintained by the Division a report which must include:

(a) The letter grade assigned to the child care facility based on the inspection; and

(b) A report of each unresolved violation of an applicable law or regulation, proposed actions to correct the violation and the date by which the child care facility is expected to correct the violation.

3. After each inspection described in subsection 1, a child care facility shall post the letter grade assigned to the facility in a conspicuous place near each entrance to the facility that is regularly used by the public and inform any person of that letter grade upon request.

(Added to NRS by [2017, 4209](#))

NRS 432A.186 Administrative sanctions: Imposition by Division; disposition of money collected.

1. If a child care facility violates any law or regulation related to its licensure, including any provision of this chapter or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to [NRS 432A.188](#), may:

(a) Prohibit the facility from accepting additional children until it determines that the facility has corrected the violation;

(b) Limit the number of children to which the facility may provide care until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum;

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the children to whom the facility provides care until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statute, condition, standard or regulation; or

(2) Improvements are made to correct the violation; or

(e) Impose any combination of the sanctions prescribed in paragraphs (a) to (d), inclusive.

2. If the child care facility fails to pay any penalty imposed pursuant to paragraph (c) of subsection 1, the Division may:

(a) Suspend the license of the facility until the penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the penalty.

3. The Division may require any child care facility that violates any provision of this chapter, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as an administrative penalty pursuant to paragraph (c) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of this chapter, to protect the health, safety, well-being and property of the children to which child care facilities provide care in accordance with applicable standards or for any other purpose authorized by the Legislature.

(Added to NRS by [2017, 4210](#))

NRS 432A.188 Administrative sanctions: Regulations of Board. The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by [NRS 432A.186](#). These regulations must:

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; and

4. Provide for less severe sanctions for lesser violations of applicable statutes, conditions, standards or regulations.

(Added to NRS by [2017, 4210](#))

NRS 432A.190 Grounds for denial, suspension or revocation of license; maintenance of log of certain complaints; administrative fine; opportunity for hearing.

1. The Division may deny an application for a license to operate a child care facility or may suspend or revoke such a license upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of [NRS 432A.170](#) committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of [NRS 432A.178](#).

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of [NRS 432A.1755](#) by continuing to employ a person, allowing a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), to continue to reside in the child care facility or allowing a participant in an outdoor youth

program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of [NRS 432A.170](#) or has had a substantiated report of child abuse or neglect made against him or her.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

- (a) Is convicted of violating any of the provisions of [NRS 202.470](#);
- (b) Is ordered to but fails to abate a nuisance pursuant to [NRS 244.360](#), [244.3603](#) or [268.4124](#); or
- (c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a child care facility pursuant to subsection 2. The Division shall provide to a child care facility:

- (a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;
- (b) A report of any investigation conducted with respect to the complaint; and
- (c) A report of any disciplinary action taken against the facility.

➤ The facility shall make the information available to the public pursuant to [NRS 432A.178](#).

4. In addition to any other disciplinary action, the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

(Added to NRS by [1979, 886](#); A [1981, 1218](#); [1985, 1474](#); [1991, 2310](#); [2001, 1354](#); [2007, 269](#); [2009, 929](#); [2011, 248, 1371](#); [2015, 2773](#))

NRS 432A.200 Denial, suspension or revocation of license or imposition of administrative sanction: Notice; hearing.

1. When the Division denies, suspends or revokes a license for a child care facility or imposes an administrative sanction pursuant to [NRS 432A.186](#), the Division shall afford reasonable notice to all parties by certified mail, which notice must contain the legal authority, jurisdiction and reasons for the action taken.

2. The aggrieved person may file notice of appeal with the Administrator of the Division or a designee of the Administrator within 10 calendar days after receipt of notice of action of the Division.

3. Within 20 calendar days after the receipt of the notice of appeal, the Administrator of the Division or a designee of the Administrator shall hold a hearing.

4. Notice of the hearing must be given no less than 5 days before the date set for the hearing.

(Added to NRS by [1979, 886](#); A [2011, 1373](#); [2017, 4215](#))

NRS 432A.210 Cease and desist order; injunctive relief; civil penalties; use of money.

1. If the Division believes that a person, state or local government unit or agency thereof is operating a child care facility without a license or with a suspended license, the Division may issue an order to cease and desist the operation of the facility. The order must be served upon the person, state or local government unit or agency thereof by personal delivery or by certified or registered mail, return receipt requested. The order is effective upon service.

2. If the person, state or local government unit or agency thereof does not cease operating the child care facility without a license or apply for licensure within 30 days after the date of service of the order issued pursuant to subsection 1 or does not cease operating the child care facility with a suspended license, as applicable, the Division may bring an action in the name of the State to enjoin the person, state or local government unit or agency thereof from operating or maintaining the child care facility without a license or with a suspended license.

3. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility without a license.

4. Upon a showing by the Division that a person, state or local government unit or agency thereof is operating a child care facility without a license or with a suspended license, a court may:

- (a) Enjoin the person, state or local government unit or agency thereof from operating the facility.
- (b) Impose a civil penalty on the person, state or local government unit or agency thereof, to be recovered by the Division, of not more than \$10,000 for the first offense or not less than \$10,000 or more than \$25,000 for a second or subsequent offense.

5. Any money collected as an administrative penalty pursuant to subsection 4 must be accounted for separately and used to administer and carry out the provisions of this chapter, to protect the health, safety, well-being and property of the children to which child care facilities provide care in accordance with applicable standards or for any other purpose authorized by the Legislature.

(Added to NRS by [1979, 887](#); A [2011, 1373](#); [2017, 4215](#))

NRS 432A.220 Penalty for operating facility without license. Any person who operates a child care facility without a license issued pursuant to [NRS 432A.131](#) to [432A.220](#), inclusive, is guilty of a misdemeanor.

(Added to NRS by [1979, 887](#); A [1991, 482](#); [2005, 2092](#); [2007, 1193](#); [2009, 930](#); [2011, 1362](#); [2013, 737](#); [2017, 25, 1707, 4216](#))

IMMUNIZATION OF CHILDREN ADMITTED TO CHILD CARE FACILITIES

NRS 432A.230 Certificate of immunization prerequisite to admission to child care facility; conditional admission; report to Division. Except as otherwise provided in [NRS 432A.235](#) for accommodation facilities:

1. Except as otherwise provided in subsection 3 and unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this State, including a facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the facility a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to [NRS 439.550](#) for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his or her designee or a registered nurse or his or her designee, attesting that the certificate accurately reflects the child's record of immunization.

3. A child whose parent or guardian has not established a permanent residence in the county in which a child care facility is located and whose history of immunization cannot be immediately confirmed by a physician in this State or a local health officer, may enter the child care facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and

(b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility is located.

4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

5. Before December 31 of each year, each child care facility shall report to the Division of the Department, on a form furnished by the Division, the exact number of children who have:

- (a) Been admitted conditionally to the child care facility; and
- (b) Completed the immunizations required by this section.

(Added to NRS by [1979, 318](#); [A 1987, 1336](#); [1989, 1849](#); [1995, 809](#); [2005, 2092](#))

NRS 432A.235 Written documentation of immunization prerequisite to admission to accommodation facility; conditional admission; report to Division; maintenance of proof of immunization by business which operates more than one accommodation facility.

1. Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the accommodation facility written documentation stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to [NRS 439.550](#) for the diseases set forth in subsection 1 of [NRS 432A.230](#). The written documentation required pursuant to this subsection must be:

(a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;

(b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the requirements for immunization for enrollment in the school pursuant to [NRS 392.435](#) or [394.192](#); or

(c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.

2. A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:

- (a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and

(b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility is located.

3. If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

4. Before December 31 of each year, each accommodation facility shall report to the Division of the Department, on a form furnished by the Division, the exact number of children who have:

- (a) Been admitted conditionally to the accommodation facility; and
- (b) Completed the immunizations required by this section.

5. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.

(Added to NRS by [2005, 2090](#))

NRS 432A.240 Exemption from immunization when contrary to religious belief. If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by [NRS 432A.230](#) or [432A.235](#), a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

(Added to NRS by [1979, 319](#); A [2005, 2093](#))

NRS 432A.250 Exemption from immunization because of medical condition. If the medical condition of a child will not permit the child to be immunized to the extent required by [NRS 432A.230](#) or [432A.235](#), a written statement of this fact signed by a licensed physician or advanced practice registered nurse and presented to the operator of the facility by the parents or guardian of such child exempts such child from all or part of the provisions of [NRS 432A.230](#) or [432A.235](#), as the case may be, for purposes of admission.

(Added to NRS by [1979, 319](#); A [2005, 2093](#); [2017, 1746](#))

NRS 432A.260 Additional requirements for immunization imposed after admission; additional certificate or documentation required. If, after a child has been admitted to a child care facility, including a facility licensed by a county or city, additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to [NRS 432A.235](#) to the operator of the facility stating that such child has met the new immunization requirements.

(Added to NRS by [1979, 319](#); A [2005, 2093](#))

NRS 432A.270 Protection of child exempt from immunization if dangerous disease exists in facility. Whenever the State Board of Health or a local board of health determines that there is a dangerous contagious disease in a child care facility attended by a child for whom exemption from immunization is claimed pursuant to the provisions of [NRS 432A.240](#) or [432A.250](#), the operator of the facility shall require either:

1. That the child be immunized; or
2. That the child remain outside the school environment and the local health officer be notified.

(Added to NRS by [1979, 319](#))

NRS 432A.280 Penalty for refusal to remove child from child care facility when required by law. Any parent or guardian who refuses to remove his or her child from the child care facility to which the child has been admitted when retention in the facility is prohibited under the provisions of [NRS 432A.230](#), [432A.235](#), [432A.260](#) or [432A.270](#) is guilty of a misdemeanor.

(Added to NRS by [1979, 319](#); A [2005, 2093](#))

PROGRAM TO PROVIDE HEALTH INSURANCE FOR CHILDREN

NRS 432A.300 Duties of Director: Establishment and administration of program; establishment of standards of eligibility; specification of benefits; regulations.

1. The Director shall establish and administer a program through which a person may donate money to provide health insurance for a child whose parents or guardians are not able to provide such insurance.
2. The Director shall, by regulation:
 - (a) Establish a standard of eligibility for the enrollment of children in the program; and
 - (b) Specify the benefits which must be provided in the policy of health insurance.
3. The Director may adopt regulations which are otherwise necessary to the administration of the program.

(Added to NRS by [1987, 1675](#))

NRS 432A.310 Director authorized to accept gifts or grants of money; Account for Health Insurance for Children.

1. The Director may accept gifts or grants of money to establish the program required by [NRS 432A.300](#).
2. Money received by the Director pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Account for Health Insurance for Children in the State General Fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money in the Account must only be used for the purposes of the program established pursuant to [NRS 432A.300](#).

(Added to NRS by [1987, 1675](#))

OUTDOOR YOUTH PROGRAMS

NRS 432A.320 Definitions. As used in [NRS 432A.320](#) to [432A.560](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 432A.330](#) to [432A.370](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1991, 2301](#))

NRS 432A.330 "Expedition" defined. "Expedition" means an outdoor excursion, by a group of persons participating in an outdoor youth program, away from the base camp of the program.

(Added to NRS by [1991, 2301](#))

NRS 432A.340 "Field administrator" defined. "Field administrator" means a person who is responsible for:

1. The management of a base camp for an outdoor youth program;
2. The supervision of the staff of the program; and
3. The daily operation of the program.

(Added to NRS by [1991, 2301](#))

NRS 432A.350 “Field staff” defined. “Field staff” means persons responsible for the supervision and provision of services to clients.

(Added to NRS by [1991, 2301](#))

NRS 432A.360 “Provider” defined. “Provider” means the governing body or other person responsible for the administration and provision of an outdoor youth program.

(Added to NRS by [1991, 2301](#))

NRS 432A.370 “Support staff” defined. “Support staff” means persons responsible for the delivery of supplies and mail to the participants in an outdoor youth program, the facilitation of communication between the base camp and groups on expeditions, and the provision of assistance to field staff in the administration of first aid.

(Added to NRS by [1991, 2301](#))

NRS 432A.380 Requirements for conducting outdoor youth program; qualifications of field administrator, field staff and support staff. A provider shall not conduct an outdoor youth program unless it employs:

1. A field administrator who:
 - (a) Is not less than 25 years of age;
 - (b) Holds a baccalaureate or higher degree, from an accredited college or university, in recreational therapy or a related field;
 - (c) Has completed a program of training, approved by the Division, on survival in the wilderness;
 - (d) Has not less than 2 years’ experience in the specific type of outdoor youth program being conducted; and
 - (e) Is certified and receives annual training in the use and administration of first aid, including cardiopulmonary resuscitation.
2. Senior field staff and support staff who:
 - (a) Are not less than 21 years of age;
 - (b) Have graduated from high school and satisfactorily completed not less than 24 semester hours of academic instruction, at an accredited college or university, in subjects relating to the care of children;
 - (c) Have completed a program of training, approved by the Division, on survival in the wilderness;
 - (d) Have not less than 6 months’ experience in the field with an outdoor youth program; and
 - (e) Are certified and receive annual training in the use and administration of first aid, including cardiopulmonary resuscitation.
3. Additional field staff, in such a number as necessary to comply with the requirements of [NRS 432A.480](#), who:
 - (a) Are not less than 21 years of age;
 - (b) Have graduated from high school and satisfactorily completed not less than 12 semester hours of academic instruction, at an accredited college or university, in subjects relating to the care of children;
 - (c) Display skills in leadership; and
 - (d) Are certified and receive annual training in the use and administration of first aid, including cardiopulmonary resuscitation.

(Added to NRS by [1991, 2301](#); A [2011, 1373](#))

NRS 432A.390 Qualifications and requirements for interns and voluntary assistants; prohibition against participation in program by person less than 14 years of age; prohibition against participation in program by client less than 18 years of age with client 18 years of age or older.

1. A provider may authorize:
 - (a) A person to obtain experience in the field, as an intern member of the staff of an outdoor youth program, if the person is:
 - (1) Not less than 21 years of age; and
 - (2) Supervised by the field staff.
 - (b) A person who is not a client or member of the staff of an outdoor youth program to participate in the program as a voluntary assistant if the person is:
 - (1) Not less than 18 years of age;
 - (2) Under the direct supervision of the field staff; and
 - (3) Not allowed to supervise clients.
2. A provider and a field administrator shall not:
 - (a) Without the specific approval of the Division, allow a person to participate in an outdoor youth program unless the person has attained the age of 14 years.
 - (b) Allow a client who is less than 18 years of age to participate in an outdoor youth program with any client who is 18 years of age or older.

(Added to NRS by [1991, 2302](#); A [2011, 1374](#))

NRS 432A.400 Staff members required to take physical examination; maintenance of health records in personnel file.

1. Each member of the staff of an outdoor youth program, including intern members, must obtain a physical examination, from a physician who is licensed to practice in this state, within the 12 months immediately preceding their participation in any outdoor activities pursuant to the program. The physical examination must include an assessment of ability to cope with physical stress.

2. A provider shall maintain in the personnel file of each member of the staff a written record of the physical examination required by subsection 1, and a written history of the health of that member, executed by a physician who is licensed to practice in this state.

(Added to NRS by [1991, 2302](#))

NRS 432A.410 Training of staff. Each member of the staff of an outdoor youth program, including intern members, must be properly trained before they may participate in the program. The training required by this section must be approved by the Division and:

1. Consist of:
 - (a) Not less than 7 days of academic instruction; and
 - (b) Not less than 21 days of practical instruction in the field.
2. Include instruction in:
 - (a) Leadership and the exercise of good judgment;
 - (b) The maintenance of a daily log;
 - (c) Management of the behavior of clients;
 - (d) Skills and techniques for the counseling, teaching and supervision of clients;
 - (e) Skills and techniques for conducting expeditions without adversely affecting the environment;
 - (f) The procurement, preparation and conservation of water, food and shelter in the field;
 - (g) Procedures for sanitation;
 - (h) Navigational skills;
 - (i) Precautions for local environmental conditions;
 - (j) First aid, including cardiopulmonary resuscitation, and other medical information that is useful in the field;
 - (k) Procedures for the use of equipment to maintain the safety of clients;
 - (l) Procedures to be used in emergencies;
 - (m) Relevant federal, state and local laws and regulations; and
 - (n) Such other information, skills and techniques as the Division deems necessary.

(Added to NRS by [1991, 2302](#); A [2011, 1374](#))

NRS 432A.420 Duties of field administrator: Transportation of clients; number of staff required; equipment for vehicle required.

1. A field administrator shall:
 - (a) Establish written procedures for the transportation of clients to and from the field, both routinely and in emergencies; and
 - (b) Ensure that an appropriate means for the provision of that transportation is readily available while clients are participating in the outdoor youth program.
2. When transporting a client:
 - (a) The driver of the vehicle must hold a current driver's license; and
 - (b) At least two members of the staff of the outdoor youth program must be in the vehicle, one of whom must be of the same sex as the client.
3. A vehicle used for the transportation of clients must be equipped with appropriate equipment for the administration of first aid.

(Added to NRS by [1991, 2303](#))

NRS 432A.430 Duties of field administrator: Written general plan for preventing diseases and coping with emergencies in field. A field administrator shall prepare a written general plan:

1. For the prevention and elimination of infectious and communicable diseases in the field.
2. For coping with injuries and emergencies in the field, including:
 - (a) The assignment of authority and duties to particular members of the staff;
 - (b) Procedures for the provision of medical care;
 - (c) Procedures for the notification of a client's physician and nearest relative or guardian;
 - (d) Procedures for the relocation of groups in the field;
 - (e) Procedures for the evacuation of groups from the field; and
 - (f) Procedures for the supervision of clients after relocation or evacuation.

(Added to NRS by [1991, 2303](#))

NRS 432A.440 Physical examination and history of health of clients; form of written record; maintenance of record and history of health of clients.

1. A provider shall provide to potential clients a form for a written record of a physical examination. The form must:
 - (a) Describe with particularity the physical demands of the outdoor youth program and the environment where the program will be conducted; and
 - (b) Contain spaces for the results of:
 - (1) A test of urine for the presence of a controlled substance;
 - (2) An examination of blood count;
 - (3) A test of urine for infections;

- (4) An examination of electrolytes;
- (5) A test for pregnancy;
- (6) An assessment of ability to cope with physical stress; and
- (7) A determination by the physician as to whether detoxification is necessary before enrollment in the outdoor youth program.

2. A field administrator shall not allow a client to participate in an outdoor youth program unless the field administrator maintains in the base camp and a member of the field staff, who is responsible for the supervision of the client, carries in a waterproof container:

(a) A written record of the physical examination of the client, conducted not more than 30 days before the client commences participation in the program, consisting of the form furnished by the provider pursuant to subsection 1, completed and executed by a physician who is licensed to practice in this state; and

(b) A written history of the health of the client that covers a period ending on a date within 30 days before the client commences participation in the program. The history must be verified by a parent or guardian and contain any limitations on the activities of the client and any prescriptions to be taken by or administered to the client.

(Added to NRS by [1991, 2303](#))

NRS 432A.450 Duties of field administrator: Interviews required before participation in program; assessment and evaluation of client; duties of treatment team.

1. A field administrator shall not allow a client to participate in an outdoor youth program unless a treatment team has:

- (a) Conducted an interview of the client;
- (b) Conducted an interview of the client's parent or guardian to obtain the client's social and psychological history;
- (c) Reviewed the record of the physical examination of the client and the written history of the client's health;
- (d) Assessed and prepared an evaluation of the client's:

- (1) Family history;
- (2) Medical, social and psychological condition; and
- (3) Level of education and development; and

(e) Based upon the information obtained and assessed pursuant to paragraphs (a) to (d), inclusive, prescribed a plan for the continuing evaluation and treatment of the client during the client's participation in the program. The plan must provide specific goals and objectives for the observable modification of the client's attitudes and behavior.

2. A field administrator shall ensure that the treatment team:

- (a) Is readily accessible to each client; and
- (b) Meets with each client, for at least 1 hour during each week that the client is participating in the program,

→ to carry out the plan of continuing evaluation and treatment prepared pursuant to subsection 1.

3. For the purposes of this section, "treatment team" means a group consisting of:

- (a) A physician; and
- (b) A psychologist or social worker,

→ who are licensed to practice in this state.

(Added to NRS by [1991, 2304](#))

NRS 432A.460 Duties of field administrator: Establishment of base camp; information required to be maintained in base camp; communications. A field administrator shall:

1. Establish a base camp that is continuously monitored by at least one member of the staff of the outdoor youth program while clients are participating in the program.

2. Maintain in the base camp:

(a) A master map of the entire area in which activities are conducted pursuant to the program.

(b) A file regarding each client and member of the staff who is participating in the program. Each file must contain biographical and medical information concerning the client or member of the staff and information regarding his or her qualifications and fitness for participation in the program.

(c) A current list of each client and member of the staff who is on an expedition.

(d) A copy of the itinerary for each expedition, including the intended schedule, and a map of the route for the expedition. The field administrator shall, before the expedition leaves the base camp, deliver a copy of the itinerary and map to the Division.

(e) A log of each communication between the base camp and a group on expedition.

3. Supervise the maintenance of communications, inspection of equipment and rendering of first aid.

4. Provide the Division with any information it requests regarding the outdoor youth program.

(Added to NRS by [1991, 2304](#); A [2011, 1375](#))

NRS 432A.470 Duties of field administrator: Inventory of personal belongings of clients; clothing and equipment required for clients. A field administrator shall ensure that, upon the commencement of a client's participation in an outdoor youth program:

1. An inventory is conducted of the personal belongings of each client. Each item, except contraband, must be returned to the client upon the completion of his or her participation in the program.

2. Each client has adequate clothing and equipment for protection from the environment, including, without limitation, a backpack, sunscreen, insect repellent and appropriate items for personal hygiene. For sleeping, each client must have a sleeping bag and:

(a) If the outdoor temperature is expected to drop below 40 degrees Fahrenheit at night, a ground pad and a tent or other shelter; or

(b) In all other cases, a wool blanket, and a tarp or poncho.

(Added to NRS by [1991, 2305](#))

NRS 432A.480 Expedition: Written general plan; number and qualifications of staff required.

1. A field administrator shall prepare a written general plan for the management of each expedition. The plan must ensure that clients are not exposed to an unreasonable risk of harm.

2. Each expedition:

(a) Must not include more than 12 persons, including members of the staff of the program.

(b) Must include at least one member of the staff, who meets the qualifications set forth in subsection 1, 2 or 3 of [NRS 432A.380](#), for every three clients.

(c) Must be supervised by at least two members of the staff at all times. If the group is of mixed gender, at least one female member and one male member of the staff must be present.

(Added to NRS by [1991, 2305](#))

NRS 432A.490 Expedition: Duties of field administrator; communication by field staff and support staff; provision of first aid; procedures for emergencies. A field administrator shall ensure that:

1. While on an expedition, the field staff has a continuously reliable system for communication with the base camp by radio, including extra packs of charged batteries.

2. The support staff contacts the field staff, by radio or in person, at least once during every 24 hours of an expedition.

3. The base camp and any vehicles used for support are equipped with appropriate equipment for the administration of first aid.

4. The support staff knows:

(a) The identity, location and telephone numbers or other means of communicating with appropriate persons to be contacted in emergencies; and

(b) Appropriate procedures for responding to emergencies arising in the field, including the evacuation of persons participating in the program.

(Added to NRS by [1991, 2305](#))

NRS 432A.500 Limitations for hiking; duties of field staff; instruction concerning environment; maintenance of daily log, itinerary and map.

1. A field administrator shall ensure that each group of clients does not hike beyond the physical limitations of the weakest member of the group. If the outdoor temperature is greater than 90 degrees Fahrenheit, clients must not be allowed to hike between 10 a.m. and 6 p.m.

2. The field staff shall:

(a) Provide clients with daily instruction upon:

(1) Federal, state and local laws and regulations for the protection of the environment; and

(2) Conducting themselves in such a manner as not to have an adverse effect on the environment.

(b) Maintain a common daily log of all accidents, motor vehicle crashes, injuries, administrations of medication, behavioral problems and any unusual incidents that occur. The log must be in bound form, except that a log may be recorded electronically while on an expedition if it is transcribed into a bound volume immediately after the expedition. All entries must be in permanent ink and signed by the entrant. A provider or field administrator shall, upon request, allow any authorized member or employee of the Division to inspect the log, and shall not allow any person to alter or destroy the log or any of its entries.

(c) While on an expedition, carry an itinerary of the expedition, including the intended schedule, and a map of the route for the expedition.

(Added to NRS by [1991, 2306](#); A [2011, 1375](#); [2015, 1675](#))

NRS 432A.510 Meals for clients; written menu prepared by qualified person; vitamins. A field administrator shall ensure that:

1. A written menu is prepared for the meals to be furnished to each group of clients. The menu must be prepared by a person who holds a baccalaureate or higher degree in nutrition or a related field, from an accredited college or university, and must provide for:

(a) Balanced meals containing each of the basic food groups; and

(b) The ingestion by every client of not less than 1,800 calories each day, with the flexibility to increase caloric intake by up to 100 percent when clients engage in strenuous exercise or the outdoor temperature is low. Food obtained by forage must not be considered in determining a client's caloric intake.

2. In addition to meals, clients receive a daily supplement of multiple vitamins.

(Added to NRS by [1991, 2306](#))

NRS 432A.520 Water for clients; amount required; aerial drop prohibited; water from natural sources required to be sanitized.

1. A field administrator shall ensure that every client has continuous access to not less than 6 quarts of potable water each day, plus an additional quart for every 5 miles the client hikes.

2. When the outdoor temperature exceeds 90 degrees Fahrenheit, a field administrator shall ensure that every client:

(a) Consumes not less than 3 quarts of water each day; and

(b) Has continuous access to a means for the replacement of electrolytes.

3. Before the commencement of each day's activity in the field, caches of water must be appropriately placed, and the location of each cache verified by the field staff.
 4. The water provided to clients must not, except in an emergency, be provided by aerial drop.
 5. Any water obtained for clients from natural sources must be properly sanitized.
- (Added to NRS by [1991, 2306](#))

NRS 432A.530 Medical care required; first aid; equipment; controlled substances and medication; duties of staff. A field administrator shall ensure that:

1. A client receives any necessary:
 - (a) Medication;
 - (b) First aid, including treatment for injury, disease and venomous bites; and
 - (c) Medical treatment from qualified medical personnel,
- ↪ as promptly as the circumstances and location of the client allows.
2. A first-aid kit is immediately accessible at all activities conducted pursuant to the program, and that the kit contains supplies appropriate to the location, environment and type of activity.
3. Equipment is readily available for the emergency medical evacuation of persons participating in the program.
4. Controlled substances are given to clients only as authorized pursuant to a lawfully issued prescription.
5. All medications, whether sold by prescription or over the counter, are kept in the possession of a member of the staff and provided to clients as needed.
6. A member of the staff:
 - (a) Supervises the ingestion or other use of any medication by a client; and
 - (b) Maintains a record, including the time, dosage and effect, of any medication ingested or otherwise used by a client.

(Added to NRS by [1991, 2307](#); A [1995, 1715](#))

NRS 432A.540 Mail for clients; prompt delivery required; permitted restrictions.

1. A field administrator:
 - (a) Shall ensure that mail from a parent, guardian or attorney of a client is delivered to the client as promptly as the circumstances and location of the client allows.
 - (b) May restrict a client from sending any mail during the first 3 weeks of the client's participation in the program.
 - (c) Shall not restrict a client from sending any mail if the client has participated in the program for more than 3 weeks.
 - (d) May require a client to open mail in the presence of a member of the staff and shall confiscate any contraband contained in the mail.
 2. Except as otherwise provided in subsection 1, the right of a client to send or receive mail must not be restricted, except as requested by a parent or guardian of the client.
- (Added to NRS by [1991, 2307](#))

NRS 432A.550 Summary of client's participation in program required upon completion of program; written evaluation of program by client and parents to be encouraged by provider.

1. Upon the completion of a client's participation in an outdoor youth program, the field administrator shall require the client to prepare a written summary of what the client did and learned in the program. The provider of the program shall retain the summary for not less than 2 years.
 2. The provider and staff of an outdoor youth program shall encourage clients, their parents or guardians and other interested persons, and provide them with an opportunity, to prepare and submit to the provider a written evaluation of the program. The provider shall retain the evaluation for not less than 2 years.
- (Added to NRS by [1991, 2307](#))

NRS 432A.560 Provider required to conduct program in compliance with statutes and regulations. The provider of an outdoor youth program shall ensure that the program is conducted in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

(Added to NRS by [1991, 2307](#))

OUT-OF-SCHOOL RECREATION PROGRAMS

NRS 432A.600 Permit to operate: Application; fee; issuance; duration; nontransferable.

1. To operate an out-of-school recreation program, a local government must obtain a permit. The local government may apply for the issuance or renewal of a permit by submitting an application on a form prescribed by the Division. The Division shall issue a permit to operate an out-of-school recreation program to the local government upon payment of the fee prescribed in subsection 2 and upon satisfaction that the program complies with the requirements set forth in [NRS 432A.600 to 432A.650](#), inclusive, and any regulations adopted pursuant thereto.
2. The Division shall charge a fee for a permit to operate an out-of-school recreation program based upon the number of sites operated by the out-of-school recreation program. If the out-of-school recreation program has:
 - (a) At least 1 but not more than 5 sites, the Division shall charge a fee of \$100.
 - (b) At least 6 but not more than 20 sites, the Division shall charge a fee of \$250.
 - (c) At least 21 but not more than 40 sites, the Division shall charge a fee of \$500.
 - (d) At least 41 but not more than 60 sites, the Division shall charge a fee of \$750.
 - (e) At least 61 but not more than 80 sites, the Division shall charge a fee of \$1,000.
 - (f) At least 81 sites, the Division shall charge a fee of \$1,250.

3. A permit issued pursuant to this section is nontransferable and is valid:
 - (a) For 3 years from the date of issuance; and
 - (b) Only as to a site specifically identified on the permit.

(Added to NRS by [2011, 1994](#))

NRS 432A.610 Requirements for site where program is operated. A local government that operates an out-of-school recreation program shall ensure that each site:

1. Complies with applicable laws and regulations concerning safety standards;
2. Complies with applicable laws and regulations concerning health standards;
3. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;
4. Has an emergency exit plan posted on-site in a conspicuous place; and
5. Has not less than two staff members on-site and available during the hours of operation who are certified and receive annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.

(Added to NRS by [2011, 1994](#))

NRS 432A.620 Requirements for staff of program; limitations on number of participants; required components of program. A local government that operates an out-of-school recreation program shall:

1. Complete, for each member of the staff of the out-of-school recreation program:
 - (a) A background and personal history check; and
 - (b) A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by [NRS 432.100](#) to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.
2. Ensure that each member of the staff of the out-of-school recreation program:
 - (a) Meets the minimum requirements that have been established for the position; and
 - (b) Receives an orientation and training concerning the abuse and neglect of children.
3. Ensure that the number of participants in the out-of-school recreation program:
 - (a) Does not exceed a ratio of one person supervising every 20 participants; and
 - (b) Will not cause the facility where the program is operated to exceed the maximum occupancy as determined by the State Fire Marshal or the local governmental entity that has the authority to determine the maximum occupancy of the facility.
4. Ensure that the out-of-school recreation program includes, without limitation:
 - (a) An inclusion component for participants who qualify under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;
 - (b) Structured activities, including, without limitation, arts and crafts, games and sports;
 - (c) Nonstructured activities, which may include, without limitation, free time for playing;
 - (d) Regular restroom breaks; and
 - (e) Nutrition breaks.

(Added to NRS by [2011, 1994](#))

NRS 432A.630 Maintenance of records concerning participants; confidentiality.

1. The out-of-school recreation program shall maintain records containing pertinent information regarding each participant in the program. Such information must include, without limitation:
 - (a) The full legal name of the child and the preferred name of the child;
 - (b) The date of birth of the child;
 - (c) The current address where the child resides;
 - (d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;
 - (e) Information concerning the health of the child, including, without limitation, any special needs of the child; and
 - (f) Any other information requested by the Division.
2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in [NRS 239.0105](#).

(Added to NRS by [2011, 1995](#))

NRS 432A.640 Submission of reports of inspections of facilities where program is operated; schedule for submission of such reports; additional inspections not required.

1. A local government that operates an out-of-school recreation program shall provide the Division with a copy of each report of an inspection conducted by a governmental entity that is authorized to conduct an inspection of the facility where the program is operated, including, without limitation, the report of an inspection by a local building department, a fire department, the State Fire Marshal or a district board of health.

2. The Division shall establish a schedule for the submission of such reports which requires submission of a report of an on-site inspection once every 2 years and shall provide a checklist to the local government which identifies the reports that must be submitted to the Division.

3. The Division shall not require any additional inspections of the facility of an out-of-school recreation program which complies with the provisions of this section.

(Added to NRS by [2011, 1995](#); A [2013, 3813](#))

NRS 432A.650 Regulations. The Division shall adopt any regulations necessary to carry out the provisions of [NRS 432A.600](#) to [432A.650](#), inclusive.
(Added to NRS by [2011, 1996](#))

SEASONAL OR TEMPORARY RECREATION PROGRAMS

NRS 432A.700 Requirements concerning first aid and emergency exit plan. A person who operates a program that primarily functions as a seasonal or temporary recreation program shall ensure that each site upon which the program is conducted:

1. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;
2. Has an emergency exit plan posted on-site in a conspicuous place; and
3. Has at least one staff member or volunteer on-site and available during the hours of operation who is certified and receives annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.

(Added to NRS by [2017, 666](#))

NRS 432A.710 Background check and child abuse and neglect screening of staff members. A person who operates a program that primarily functions as a seasonal or temporary recreation program shall complete, for each member of the staff of the program:

1. A background and personal history check not later than 3 days after the staff member is hired and once every 5 years thereafter; and
2. A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by [NRS 432.100](#) to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.

(Added to NRS by [2017, 667](#))

NRS 432A.720 Termination of staff member upon receipt of certain information; opportunity for staff member to correct information.

1. Upon receiving the results of the background and personal history check performed pursuant to subsection 1 of [NRS 432A.710](#), the results of the child abuse and neglect screening pursuant to subsection 2 of [NRS 432A.710](#) or evidence from any other source that a staff member of a person who operates a program that primarily functions as a seasonal or temporary recreation program has been convicted of a crime listed in subsection 2 of [NRS 432A.170](#) or has had a substantiated report of child abuse or neglect made against him or her, the person shall terminate the employment of the staff member after allowing the staff member time to correct the information as required pursuant to subsection 2.
2. If a staff member believes that the information provided to the person who operates a program that primarily functions as a seasonal or temporary recreation program pursuant to subsection 1 is incorrect, the staff member must inform the person immediately. The person shall give any such staff member 30 days to correct the information.
3. During any period in which a staff member seeks to correct information pursuant to subsection 2, it is within the discretion of the person who operates a program that primarily functions as a seasonal or temporary recreation program whether to allow the staff member to continue to work for the program, except that the staff member shall not have contact with a child without supervision during such a period.

(Added to NRS by [2017, 667](#))

NRS 432A.730 Operator required to maintain records concerning staff.

1. A person who operates a program that primarily functions as a seasonal or temporary recreation program shall maintain records containing pertinent information regarding each staff member of the program.
2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in [NRS 239.0105](#).

(Added to NRS by [2017, 667](#))

NRS 432A.740 Civil penalty. A person who operates a program that primarily functions as a seasonal or temporary recreation program and who fails to comply with any provision of [NRS 432A.700](#) to [432A.730](#), inclusive, is subject to a civil penalty not to exceed \$500 for each failure to comply. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

(Added to NRS by [2017, 667](#))